

CUSTOMER NO.: 38107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	Examiner: P. Phongsvirajati
WEGMAN)	
)	Art Unit: 3686
Serial No.: 10/518,837)	
)	Confirmation: 1261
Filed: December 21, 2004)	
)	
For: MEDICAL CARE)	
EXPERIENCE)	
)	
Date of Last Office Action:)	
April 15, 2009)	
)	
Attorney Docket No.: NL020604 / PKRZ 2 01396)	Cleveland, OH 44114
)	June 3, 2009

PETITION FOR WITHDRAWAL
OF PREMATURE FINALITY

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In Amendment A of January 9, 2009, claim 6 was placed in independent form including all of the subject matter of its parent claims 1 and 5. More specifically, claim 6 as presented in Amendment A was a concatenation of original claims 1, 5 and 6 as shown in the table below.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I certify that this **PETITION FOR WITHDRAWAL OF PREMATURE FINALITY** and accompanying documents in connection with U.S. Serial No. 10/518,837 are being filed on the date indicated below by electronic transmission with the United States Patent and Trademark Office via the electronic filing system (EFS-Web).

June 8 2009
Date

Patricia A. Heim
Patricia A. Heim

CLAIM 6 AMENDED	CLAIMS AS ORIGINALLY FILED
<p>6. (Amended) A method enabling a person to obtain information on medical care equipment, the method comprising a first step of offering the person an option to indicate a selected medical care equipment on a user interface, and a second step of transmitting, on receipt of an indication of the selected medical care equipment, information relating to the indicated medical care equipment to the user interface, characterized in that the method comprises:</p> <p style="margin-left: 20px;">a step of offering the person an option to select a viewpoint;</p> <p style="margin-left: 20px;">a further step of selecting, from a database comprising three-dimensional representations of medical care equipment, a three-dimensional representation of the indicated medical care equipment; and</p> <p style="margin-left: 20px;">a step of generating a two-dimensional view from a selected viewpoint of the selected three-dimensional representation;</p>	<p>1. (Original) A method enabling a person to obtain information on medical care equipment, the method comprising a first step of offering the person an option to indicate a selected medical care equipment (A) on a user interface (1), and a second step of transmitting, on receipt of an indication of the selected medical care equipment (A), information (B) relating to the indicated medical care equipment (A) to the user interface (1), characterized in that the method comprises:</p> <ul style="list-style-type: none">- a step of offering the person an option to select a viewpoint;- a further step of selecting, from a database (3a) comprising three-dimensional representations of medical care equipment, a three-dimensional representation (R) of the indicated medical care equipment (A); and- a step of generating a two-dimensional view (V) from a selected viewpoint of the selected three-dimensional representation (R).
wherein a viewpoint may be selected from which a two-dimensional view of an inside area of a medical examination device is generated.	<p>5. (Original) A method as claimed in claim 1, wherein the medical care equipment (A) comprises a medical examination device.</p> <p>6. (Original) A method as claimed in the claims 1 and 5, wherein a viewpoint may be selected from which a two-dimensional view of an inside area of a medical examination device is generated.</p>

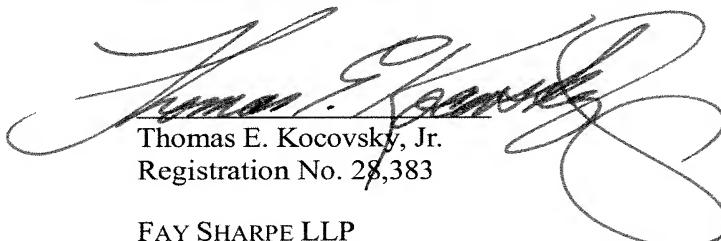
Because a dependent claim is read as including all of the subject matter of its parent claim, it is submitted that claim 6 was not amended in a substantive fashion.

Although claim 6 was not "amended", the Office Action of April 15, 2009 made a new ground of rejection against claim 6, particularly a rejection under 35 U.S.C. § 101. If a 35 U.S.C. § 101 rejection is proper against claim 6 of Amendment A, then such a rejection under 35 U.S.C. § 101 would also have been proper against claims 1, 5 and 6 as originally filed.

Because the 35 U.S.C. § 101 rejection was made for the first time in a final rejection, the applicant has been denied any opportunity in the present application to amend the claims to address or overcome this rejection.

Because Amendment A did not necessitate this new ground of rejection, the applicant should have an opportunity to amend claims or otherwise address this new ground of rejection. It is requested that the finality of the Office Action of April 15, 2009 be withdrawn and that Amendment B which accompanies this Petition be entered.

Respectfully submitted,



Thomas E. Kocovsky, Jr.
Registration No. 28,383

FAY SHARPE LLP
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, OH 44115-1843
Telephone: 216.363.9000 (main)
Telephone: 216.363.9122 (direct)
Facsimile: 216.363.9001
E-Mail: tkocovsky@faysharpe.com